

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE  
REGISTERED HOLDERS OF CREDIT SUISSE FIRST  
BOSTON MORTGAGE SECURITIES CORP.,  
COMMERCIAL MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-C2, BY AND  
THROUGH ITS SPECIAL SERVICER, CWCAPITAL  
ASSET MANAGEMENT LLC,

Plaintiff,

- against -

390 PARK AVENUE ASSOCIATES, LLC; *et al.*,  
Defendants.

16-cv-09112 (LGS)

**NOTICE OF  
390 PARK AVENUE  
ASSOCIATES, LLC'S  
MOTION FOR  
SUMMARY JUDGMENT**

NOTICE IS HEREBY GIVEN that 390 Park Avenue Associates, LLC ("390 Park") will move the Court, at a date and time set by the Court, for an Order entering summary judgment in favor of 390 Park, pursuant to Fed. R. Civ. P. 56 and Local Civil Rule 56.1, and dismissing this action.

PLEASE TAKE FURTHER NOTICE that 390 Park will rely on (i) the Declaration of Mark S. Weiss in Support of 390 Park's Motion for Summary Judgment, together with the exhibits attached thereto, (ii) the Declaration of Jesse Ryan Loffler in Support of 390 Park's Motion for Summary Judgment, together with the exhibits attached thereto, (iii) the Declaration of Jesse Ryan Loffler in Opposition to Plaintiff's Motion for Summary Judgment, (iv) 390 Park's Omnibus Response to Plaintiff's Statement of Undisputed Material Facts in Opposition to Plaintiff's Motion for Summary Judgment and to Appoint a Referee and Statement of Undisputed Material Facts in Support of 390 Park's Motion for Summary Judgment, and (v) the Omnibus Memorandum of Law in Support of 390 Park's Motion for Summary Judgment and in Opposition to Plaintiff's Motion

for Summary Judgment and Motion to Appoint a Referee, each filed contemporaneously herewith,  
as well as the record before the Court in this action.

Dated: Pittsburgh, Pennsylvania  
March 15, 2018

Respectfully submitted,

COZEN O'CONNOR

By: s/ Jesse Ryan Loffler  
Jesse Ryan Loffler

One Oxford Centre  
301 Grant Street, 26th Floor  
Pittsburgh, Pennsylvania 15219  
(412) 620-6500  
jloffler@cozen.com

*Attorneys for Defendant*  
*390 Park Avenue Associates, LLC,*

OF COUNSEL:

Janice Mac Avoy  
FRIED, FRANK, HARRIS, SHRIVER  
& JACOBSON LLP  
One New York Plaza  
New York, New York 10004  
(212) 859-8000

Raymond N. Hannigan  
HERRICK FEINSTEIN LLP  
Two Park Avenue,  
New York, New York 10016  
(212) 592-1500

K. Heather Robinson  
HERRICK FEINSTEIN LLP  
One Gateway Center  
Newark, New Jersey 07102  
(973) 274-2000

*Attorneys for Defendant*  
*390 Park Avenue Associates, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2018, I served a copy of the foregoing Notice of 390 Park Avenue Associates, LLC's Motion for Summary Judgment, together with the Declaration of Mark S. Weiss in Support of 390 Park's Motion for Summary Judgment, the Declaration of Jesse Ryan Loffler in Support of 390 Park's Motion for Summary Judgment, and the Declaration of Jesse Ryan Loffler in Opposition to Plaintiff's Motion for Summary Judgment on the following via electronic delivery:

Rishi Kapoor  
Venable LLP  
Rockefeller Center  
1270 Avenue of the Americas, 24<sup>th</sup> Floor  
New York, New York 10020  
Telephone: (212) 307-5500  
Email: rkapoor@venable.com

Gregory A. Cross  
Heather Deans Foley  
Venable LLP  
750 East Pratt Street, Suite 900  
Baltimore, Maryland 21202  
Telephone: (410) 244-7400  
Email: gacross@venable.com  
Email: hdfoley@venable.com

*Attorneys for Plaintiff*

s/ Jesse Ryan Loffler  
Jesse Ryan Loffler